

FILED

DEC 02 2013

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MELVIN LOUIS WEASELBOY,

Defendant.

CR 00-44-BLG-DWM-CSO

ORDER

On November 14, 2013, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation with respect to the November 7, 2013 Petition for Revocation of Defendant Melvin Louis Weaselboy's term of supervised release. (Docs. 61 and 70.) A Final Hearing revocation of the Defendant's term of supervised release was held November 13, 2013. (Doc. 68.) The parties were notified of their right, within fourteen days, to file objections to the Findings and Recommendation. (Doc. 70 at 10.) Neither party timely filed an objection. Failure to object waives a party's right to review. Fed. R. Crim. P. 59(b)(2). Consistent with the Court's "full authority" to review the Findings and Recommendation under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the

Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Weaselboy’s admission to violations 1, 2, 4, and 5 and the Court’s finding as to violation 3, Judge Ostby recommends his supervised release be revoked. (Doc. 70 at 8.) Judge Ostby further recommends this Court enter the proposed Judgment attached to her Findings and Recommendation, (Doc. 70-1), and sentence Weaselboy to 18 months imprisonment with 42 months of supervised release to follow. (Doc. 70 at 9.) Judge Ostby’s Findings and Recommendation are without clear error.

IT IS ORDERED that Judge Ostby’s Findings and Recommendation, (Doc. 70), are ADOPTED IN FULL. Melvin Louis Weaselboy’s term of supervised release is revoked. Judgment will be entered by separate document.

DATED this 2nd day of December, 2013.



Donald W. Molloy, District Judge
United States District Court

